

1
2
3
4
5

6 IN THE UNITED STATES DISTRICT COURT

7
8
9

FOR THE NORTHERN DISTRICT OF CALIFORNIA

10
11
12
13
14
15

UNITED STATES OF AMERICA,

No. CR 10-0455 WHA

Plaintiff,

v.

**ORDER REGARDING
APPLICABLE PENAL CODE**

MARCEL DARON KING,

Defendant.

16 Please be present with all witnesses at 8:00 a.m. tomorrow, September 13. At noon, the
17 Court will have to recess for one hour due to a previously-scheduled lecture. The evidentiary
18 hearing will resume at 1:00 p.m. and will be able to continue until the criminal calendar at 2:00
19 p.m, resuming thereafter if needed.

20 This order asks that the government please identify the state penal code defendant is
21 alleged to have violated. In addition, this order asks both parties to explain (1) whether the
22 reasonable belief defense places the burden of proof on defendant and (2) whether the defense
23 comes into play only *after* defendant testifies that he actually believed the victim was age 18 or
24 over.

25 Briefs by 5:00 p.m. today would be appreciated.

26 **IT IS SO ORDERED.**

27
28 Dated: September 12, 2016.


WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE